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1958

March 13

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CONCORD, N.H.

Mr. James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Dear Mr. Barry:

This is in response to your letter of March 11, 1958, relative to the Cooperative Secondary School District of Hampton, Hampton Falls, North Hampton and Seabrook. You advise that this Cooperative School District is holding its annual district meeting this month and that one of the articles in the warrant relates to the extension of the Federal Old Age and Survivors Insurance System to employees of the Cooperative District. You ask our opinion as to the earliest date when social security coverage can be made effective, assuming an affirmative vote on the article.

The organizational meeting of the Cooperative School District for Hampton, Hampton Falls, North Hampton and Seabrook was held on March 28, 1957. The votes adopted and proceedings taken at this meeting were subsequently legalized, ratified and confirmed, and the Secondary Cooperative School District was declared to be duly organized by the General Court. Laws 1957, 415. At the organizational meeting the date of establishment of this Cooperative District was fixed as July 1, 1958. Laws 1957, chapter 415, section 2 authorized the Cooperative District to change the date of establishment to June 27, 1958, on a vote at an annual or special meeting of the District.

At the organizational meeting five members were duly elected to the Cooperative School Board as provided in RSA 195:4. On election the Cooperative School Board must organize at once and assume its responsibilities and duties with respect to the administration and planning of the new Cooperative School District which thereupon comes into official existence. RSA 195:5. Your enclosures did not include a record of the meeting of the Cooperative School Board at which it officially organized but presumably this was done, since the notice of the special Cooperative School Board Meeting of July 1, 1957 was signed by school board members.

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Mr. James J. Barry, Commissioner

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We assume that you are concerned with references both in the minutes of the organizational meeting and in Laws 1957, chapter 415, section 2 to the date of "establishment".

The date of establishment has no significance with respect to the official existence of the Cooperative School District as a political subdivision. It is significant only inasmuch as the Cooperative School Board has no administrative authority as to the schools in the pre-existing districts until that date is reached. We conclude therefore that the Secondary Cooperative School District of Hampton, Hampton Falls, North Hampton and Seabrook has officially existed as a political subdivision since March 27, 1957.

Agreements executed by the state agency on behalf of political subdivisions are operative with respect to services performed after an effective date specified in such agreement, but with certain exceptions not here applicable, in no event prior to the first day of the calendar year in which the agreement is executed. RSA 101:3I (3) (supp).

In conclusion, assuming that the agreement is executed during the current calendar year, the earliest effective date, with respect to services specified in the agreement and constituting employment under RSA 101:2, which may be specified by the Secondary Cooperative School District of Hampton, Hampton Falls, North Hampton and Seabrook, is January 1, 1958.

We are returning herewith the letter from Miss Hammond and the six attachments.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/lt
Encls.